

## **REMARKS**

The Examiner's comments in the Office Action mailed September 11, 2006 have been carefully considered. In this response, the title has been amended to more clearly describe the claimed invention. Claims 33-45 are pending in the application. No claims have been amended and no new matter has been added. Reconsideration and allowance are requested in view of the following remarks.

### **Claim Rejections**

Claims 33-45 were rejected under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Wilson (US 6,165,195). Applicant respectfully traverses the rejection.

Claim 33 recites, in part, an elongate catheter body defining only a single inflation lumen, a first guide wire lumen and a second guide wire lumen. A first balloon has a proximal portion bonded in fluid communication with the inflation lumen and a distal portion engaged to a distal region of the first guide wire lumen. A second balloon has a proximal portion bonded in fluid communication with the inflation lumen and a distal portion engaged to a distal region of the second guide wire lumen. The first balloon and the second balloon are in fluid communication with the inflation lumen.

Applicant asserts a prima facie case of obviousness has not been made with respect to claims 33-41. As noted in the Office Action, Wilson does not disclose a catheter having only a single inflation lumen that is bonded in fluid communication with a proximal portion of the first balloon and with a proximal portion of the second balloon. Wilson discloses with reference to FIGS. 27-29 first and second expandable members 90, 91. Just as Wilson discloses separate guidewire lumens 95, 98 for these expandable members 90, 91, it is equally likely that two separate inflation lumen are used to supply inflation fluid to members 90, 91.

To establish a prima facie case of obviousness, the Office Action must provide a motivation to modify the Wilson reference to recite all of the elements of claim 33. The Office Action merely asserts it is well known in the art to provide one inflation lumen through a catheter body. However, no source is cited for this knowledge. Furthermore, Applicant respectfully points out "a statement that modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art at the time the claimed

invention was made...is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references." M.P.E.P. §2143.01 (IV) (citing *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). No such reason has been provided.

Claims 35 and 36 depend indirectly from claim 33 and add that at least a portion of the distal end region of the elongate catheter body comprises a disc wherein the proximal portion of a balloon is sealingly engaged to at least a portion of the disc.

Wilson fails to disclose or suggest that a proximal portion of a balloon is sealingly engaged to at least a portion of a disc. Rather, the balloons shown in Wilson appear to be monolithically formed with the catheters. In fact, in only disclosing a monolithic configuration, Wilson teaches away from sealingly engaging a proximal portion of a balloon to a disc.

The Office Action asserts that making the balloons separate from the catheter is obvious and would inherently require a sealing member to couple the balloons to the catheter. Applicant respectfully disagrees with these assertions. First, as discussed above, the Office Action provides no explanation of a motivation to modify Wilson to make the balloons separate from the catheter. Furthermore, a requirement of a sealing member does not inherently suggest sealingly engaging a proximal portion of a balloon to a disc. Applicant respectfully reminds the Examiner that simply stating that a modification can be made does not constitute a prima facie case of obviousness.

Claim 37 depends indirectly from claim 33 and adds that at least a portion of the distal end region of the elongate catheter body comprises a disc that is at least partially constructed of at least one adhesive. As noted above, Wilson fails to disclose or suggest a catheter having a distal end region including a disc at least partially constructed of at least one adhesive. Furthermore, no motivation is provided in Wilson to add such a disc to the catheter.

For at least these reasons, Wilson does not anticipate or make obvious claims 33-41. Applicant asserts the rejection is overcome. Withdrawal of the rejection and allowance of claims 33-41 is respectfully requested. Applicant does not otherwise concede the correctness of the rejection and reserves the right to make additional arguments if necessary.

Claim 42 recites, in part, an elongate catheter body defining a single inflation lumen, a first guide wire lumen, a second guide wire lumen, and a disc. The first balloon has a proximal portion sealingly engaged to the disc. The second balloon has a proximal portion sealingly engaged to the disc. The disc provides a sealed connection of the first balloon and the second balloon to the inflation lumen.

In sharp contrast, Wilson fails to disclose or suggest first and second balloons having proximal portions sealing engaged to a catheter disc. Wilson, therefore, does not anticipate claim 42. Furthermore, Applicant asserts a prima facie case of obviousness has not been made with respect to claim 42. No motivation is provided to modify Wilson to add a disc to which separate balloons can be sealingly engaged. Rather, the proximal portions of the balloons disclosed in Wilson appear to be monolithically formed with the catheter. Moreover, no motivation is provided to configure the added disc to provide a sealed connection of the balloons to an inflation lumen.

For at least these reasons, Wilson does not anticipate or suggest claim 42. Applicant asserts the rejection is overcome. Withdrawal of the rejection and allowance of claim 42 is respectfully requested. Applicant does not otherwise concede the correctness of the rejection and reserves the right to make additional arguments if necessary.

Claim 43 recites, in part, an elongate catheter body defining a single inflation lumen, a first guide wire lumen, and a second guide wire lumen. Proximal portions of the first and second balloons are sealingly engaged within a distal end opening of the inflation lumen.

Wilson fails to disclose or suggest a single inflation lumen having a distal end opening *within* which proximal portions of balloons are sealingly engaged. Rather, Wilson discloses balloons that appear to be monolithically formed with one another and with the catheter. Furthermore, Applicant asserts a prima facie case of obviousness has not been made with respect to claim 43. No motivation is provided to modify Wilson to sealingly engage the balloons *within* a distal end opening of a single inflation lumen. In addition, no evidence is provided that one skilled in the art would have an expectation of success for sealingly engaging balloons within a single inflation lumen.

For at least these reasons, Wilson does not anticipate or suggest claim 43. Claims 44 and 45 depend from claim 43 and are allowable for at least the same reasons. Applicant asserts the rejection is overcome. Withdrawal of the rejection and allowance of claims 43-45 is respectfully requested. Applicant does not otherwise concede the correctness of the rejection and reserves the right to make additional arguments if necessary.

### **Conclusion**

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicant's attorney listed below at 612-371-5387.



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Respectfully submitted,

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A handwritten signature in dark ink, appearing to read "Joshua N. Randall". The signature is written over a horizontal line.

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